

## EXTRADITION

*Convention signed at Washington November 9, 1843*

*Ratified by France January 22, 1844*

*Senate advice and consent to ratification February 1, 1844*

*Ratified by the President of the United States February 2, 1844*

*Ratifications exchanged at Washington April 12, 1844*

*Entered into force April 12, 1844*

*Proclaimed by the President of the United States April 13, 1844*

*Supplemented by additional articles of February 24, 1845,<sup>1</sup> and February 10, 1858<sup>2</sup>*

*Terminated July 27, 1911, by treaty of January 6, 1909,<sup>3</sup> except as to crimes enumerated herein and committed prior to July 27, 1911*

8 Stat. 580; Treaty Series 89<sup>4</sup>

### CONVENTION FOR THE SURRENDER OF CRIMINALS BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE FRENCH

The United States of America and His Majesty the King of the French having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances be reciprocally delivered up; the said United States of America and His Majesty the King of the French have named as their Plenipotentiaries to conclude a Convention for this purpose; that is to say, the President of the United States of America, Abel P. Upshur, Secretary of State of the United States; and His Majesty the King of the French, the Sieur Pageot, officer of the Royal Order of the Legion of Honor, his Minister Plenipotentiary, *ad interim*, in the United States of America; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

---

<sup>1</sup> TS 91, *post*, p. 833.

<sup>2</sup> TS 93, *post*, p. 840.

<sup>3</sup> TS 561, *post*, p. 872.

<sup>4</sup> For a detailed study of this convention, see 4 Miller 515.

## ARTICLE I

It is agreed that the High Contracting Parties shall; on requisitions made in their name, through the medium of their respective Diplomatic Agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial, if the crime had been there committed.

## ARTICLE II

Persons shall be so delivered up who shall be charged, according to the provisions of this Convention, with any of the following crimes, to wit: murder, (comprehending the crimes designated in the French Penal Code by the terms, assassination, parricide, infanticide, and poisoning,) or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment.<sup>6</sup>

## ARTICLE III

On the part of the French Government, the surrender shall be made only by authority of the Keeper of the Seals, Minister of Justice; and on the part of the Government of the United States, the surrender shall be made only by authority of the Executive thereof.

## ARTICLE IV

The expenses of any detention and delivery effected in virtue of the preceding provisions, shall be borne and defrayed by the Government in whose name the requisition shall have been made.

## ARTICLE V

The provisions of the present Convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character.

## ARTICLE VI

This Convention shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give six months'

---

<sup>6</sup> For additions to the list of crimes, see additional articles of Feb. 24, 1845 (TS 91), *post*, p. 833, and Feb. 10, 1858 (TS 93), *post*, p. 840.

previous notice of his intention to do so. It shall be ratified, and the ratifications shall be exchanged within the space of six months, or earlier, if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have affixed thereto the seal of their arms.

Done at Washington, the ninth day of November, Anno Domini one thousand eight hundred and forty-three.

A. P. UPSHUR	[SEAL]
A. PAGEOT	[SEAL]